

OLIVER A. HOUCK

July 2019

(504) 865-5946
ohouck@tulane.edu
www.oliverhouck.com

Date of Birth: April 20, 1939

Marital Status: Married, two children

Education: College -- Harvard University, 1956-60 B.A., English, Cum Laude
Dean's List 1958, 1959, 1960
Harvard Scholarship 1959, 1960
Harvard Crew

Law -- Georgetown Law Center, Evening Division,
1963-1967, J.D. Cum Laude
American Jurisprudence Prizes: Agency,
Contracts, International Law

Professional Experience: 1981 - present. Professor of Law and David Boies Chair in Public Interest Law, Tulane University, New Orleans, La.

1971 - 1981. National Wildlife Federation, Washington, D.C.
General Counsel and Vice President for Conservation and Education

1968 - 1971. Assistant United States Attorney, Office of the U.S. Attorney for the District of Columbia, Washington, D.C.

1966 - 1968. Law Clerk to Judge Timothy Murphy, Superior Court of the District of Columbia.

1964 - 1966. Military Capabilities Analyst, Defense Intelligence Agency, U.S. Department of Defense.

1961 - 1964. Military Intelligence, United States Army.

Admitted to Practice: District of Columbia; United States Supreme Court.

Teaching Experience: Tulane Law School, 1981 - present: *lecture* courses in Natural Resources Law; Pollution Control Law; Coastal and Wetlands Management; Wildlife and Endangered Species; Comparative

Environmental Law; Criminal Law; Constitutional Criminal Procedure; *small courses and seminars* in Organized and White Collar Crime; Comparative Criminal Law; Clean Water Law and Policy; International Environmental Law; Toxics and Hazardous Waste; Water Resources Management; BioDiversity and Ecosystem Management; Fisheries Management; Environmental Ethics; Environmental Human Rights; Rights of Nature; Hurricane Katrina; the Deepwater Horizon; and Environmental Policy Outside the Box.

Adjunct Professor at Georgetown Law School (1981); George Washington Law School (1978-80); Vermont Law School, (summer 1979-82); American University Law School (1979). Evening instructor in English writing, The Heights, Washington, D.C. (1968-69).

Visiting Professor of Law, University of Havana (2001); Monterrey (Mexico) Institute of Technology and Advanced Studies (2002); University of Sevilla (2003); University of Auckland (2004).

**Law Review
Articles:**

"Shintech: Environmental Justice at Ground Zero", Georgetown Environmental Law Review, Spring 2019

"Noah's Second Voyage: The Rights of Nature as Law", TULANE ENVIRONMENTAL JOURNAL, Fall 2017

"Willow Springs: A Louisiana Civil Action", LOYOLA LAW REVIEW, Summer 2016

"The Vieux Carre Expressway", TULANE ENVIRONMENTAL LAW JOURNAL, Winter 2016

"The Reckoning: Oil and Gas Development in the Louisiana Coastal Zone", TULANE ENVIRONMENTAL LAW JOURNAL, Summer 2015

"Cooperative Federalism, Nutrients, and the Clean Water Act: Three Cases Revisited", ENVIRONMENTAL LAW REPORTER, May 2014

"The Battle of Lake Pontchartrain", TULANE ENVIRONMENTAL LAW JOURNAL, Winter 2012

"Breaking the Golden Rule", RUTGERS LAW REVIEW, Fall 2012

"Rescuing Ophelia", MISSISSIPPI LAW JOURNAL, Spring 2012

"Save Ourselves", LOUISIANA LAW REVIEW, Winter 2011

"The Clean Water Act Returns (Again): TMDLs and The Chesapeake Bay Program", ENVIRONMENTAL LAW REPORTER, February 2011.

"Worst Case and the Deepwater Horizon Blowout", ENVIRONMENTAL LAW REPORTER, November 2010; TULANE ENVIRONMENTAL LAW REVIEW, Fall 2010.

"From Sacred Places: The Story of Nikko Taro and the Taj Mahal," HAWAII LAW REVIEW, Summer 2009.

"A Case of Sustainable Development: The River God And The Forest At The End Of The World," TULSA LAW REVIEW, Spring 2009.

"How'd We Get Divorced?: The Curious Case of NEPA and Planning," ENVIRONMENTAL LAW REPORTER, July 2009.

"Standing on the Wrong Foot: A Case for Equal Protection," SYRACUSE LAW REVIEW, Fall, 2007.

"Light From the Trees: The Story of Minors Oposa and The Russian Forest Cases," GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW, Summer 2007.

"Retaking the Exam: How Environmental Law Failed New Orleans and the Gulf Coast South and How It Might Yet Succeed," TULANE LAW REVIEW, Spring 2007.

"Hurricane Katrina and Flood Protection: Lessons Unlearned," LOYOLA LAW REVIEW, Spring 2007.

"O Canada!: Rafferty, Oldman and the Great Whale", BOSTON COLLEGE INTERNATIONAL AND COMPARATIVE LAW JOURNAL, Spring 2006.

"Can We Save New Orleans?," TULANE ENVIRONMENTAL LAW JOURNAL, Spring 2006.

"Things Fall Apart: A Constitutional Analysis of Legislative Exclusion," EMORY LAW REVIEW, Winter 2005.

"More Unfinished Stories: Lucas, Atlanta Coalition and Palila/Sweet Home," COLORADO LAW REVIEW, Spring 2004.

"On the Limits of Charity: Lobbying, Litigation and Electoral Politics Under the Internal Revenue Code and Related Laws," BROOKLYN LAW REVIEW, Fall 2003.

"Tres Reflexiones Sobre el Derecho Ambiental en Estados Unidos: Hermanos en Armas; El Motor del Derecho Ambiental; La Desconstitucionalizacion del Derecho Ambiental," ANDALUCIA REVIEW OF PUBLIC ADMINISTRATION, Spring 2003.

"Tales From A Troubled Marriage: Science and Law in Environmental Policy," SCIENCE, December 2003; sourced edition, TULANE ENVIRONMENTAL LAW JOURNAL, Winter 2003; reprinted in Kennedy, STATE OF THE PLANET, 2006-2007.

"Unfinished Stories," COLORADO LAW REVIEW, Spring 2002.
"TMDLs V: Aftershock and Prelude," ENVIRONMENTAL LAW REPORTER, April 2002.

"Environmental Law in Cuba," JOURNAL OF LAND USE AND ENVIRONMENTAL LAW (Florida State), Fall 2000.

"TMDLs IV: The Clean Water Act's Final Frontier," ENVIRONMENTAL LAW REPORTER, August 1999.

"Environmental Law and the General Welfare," PACE ENVIRONMENTAL LAW REVIEW, Winter 1998.

"TMDLs III, A New Framework for the Clean Water Act's Ambient Standards Program," ENVIRONMENTAL LAW REPORTER, August 1998.

"Are Humans Part of Ecosystems?," ENVIRONMENTAL LAW, (Lewis and Clark), Spring 1998.

"TMDLs II, Are We There Yet?: The Long Road Towards Water Quality-Based Regulation Under the Clean Water Act," ENVIRONMENTAL LAW REPORTER, August, 1997.

"TMDLs, The Resurrection of Water Quality-Based Regulation Under the Clean Water Act," ENVIRONMENTAL LAW REPORTER, July, 1997.

"On the Law of Biological Diversity and Ecosystem Management," MINNESOTA LAW REVIEW 1997; reprinted in LAND USE AND ENVIRONMENTAL LAW REVIEW.

"The Water, the Trees, and the Land: Three Nearly-Forgotten Cases That Changed the American Landscape," TULANE LAW REVIEW, 1996.

"Reflections on the Endangered Species Act," ENVIRONMENTAL LAW, (Lewis and Clark), 1995; reprinted in LAND USE AND ENVIRONMENTAL LAW REVIEW, 1996; unannotated version republished in LAND AND NATURAL RESOURCES JOURNAL, ABA, Summer 1995.

"Federalism in the Wetlands: A consideration of delegation of Clean Water Act Section 404 and related programs to the states," MARYLAND LAW REVIEW, 1995 (co-authored).

"Why Do We Protect Endangered Species and What Does That Tell Us About Whether Restrictions on Private Property to Protect Them Constitute Takings?," IOWA LAW REVIEW, 1995.

"The Secret Opinions of the United States Supreme Court on Leading Cases in Environmental Law, Never Before Published!," COLORADO LAW REVIEW, 1994.

"Of Bats, Birds and BAT: The Convergent Evolution of Environmental Law," MISSISSIPPI LAW JOURNAL, Winter 1994; reprinted in LAND USE AND ENVIRONMENTAL LAW REVIEW, 1995.

"The Endangered Species Act and its Implementation by the U.S. Departments of Interior and Commerce," COLORADO LAW REVIEW, 1993.

"Environmental Law in the Fifth Circuit, 1991-2," LOYOLA LAW REVIEW, August 1993 (co-authored).

"Environmental Law in the Fifth Circuit, 1990-91," LOYOLA LAW REVIEW, December 1992 (co-authored).

"The Regulation of Toxic Discharges under the Clean Water Act," ENVIRONMENTAL LAW REPORTER, 1991.

"Hard Choices: The Analysis of Alternatives Under Section 404 of the Clean Water Act and Related Environmental Laws," COLORADO LAW REVIEW, 1989.

"Ending the War: Towards a Strategy to Save America's Coastal Zone," MARYLAND LAW REVIEW, 1988.

“President X and the New (Approved) Decisionmaking”,
AMERICAN UNIVERSITY LAW REVIEW, 1987.

*“This Side of Heresy: Conditioning Louisiana’s Ten Year
Industrial Tax Exemption,”* TULANE LAW REVIEW, 1986.

*“Rising Water: The National Flood Insurance Program and the
State of Louisiana”*, TULANE LAW REVIEW, 1985.

*“With Charity for All: The Qualification of Business-sponsored
Public Interest Law Firms as Charities under the Internal
Revenue Code”*, YALE LAW JOURNAL, 1984.

*“Land Loss in Coastal Louisiana: Causes, Consequences and
Remedies”*, TULANE LAW REVIEW, 1983.

*“The Institutionalization of Caution under Section 7 of the
Endangered Species Act: What Do You Do When You Don’t
Know?”*, ENVIRONMENTAL LAW REPORTER, 1982.

*“Judicial Review under the Fish and Wildlife Coordination Act: A
Plaintiff’s Guide to Litigation,”* ENVIRONMENTAL LAW REPORTER,
1981.

Books:

“The Best of the Books”, ENVIRONMENTAL LAW INSTITUTE PRESS,
2015 (co-author).

“Downstream Toward Home”, LOUISIANA STATE UNIVERSITY PRESS,
2014.

Prologue, *“Principles of Constitutional Environmental Law,”*
AMERICAN BAR ASSOCIATION, 2011.

“Down On The Batture,” UNIVERSITY OF MISSISSIPPI PRESS, 2010.

“Taking Back Eden,” ISLAND PRESS, 2009; reprinted (in Chinese),
UNIVERSITY OF BEIJING PRESS, 2017.

“Environmental Law Stories,” FOUNDATION PRESS, 2005 (co-
editor).

*“The Clean Water Act TMDL Program: Law, Policy and
Implementation,”* ENVIRONMENTAL LAW INSTITUTE, 1999 (1st ed.),
2002 (2nd ed.).

*“Standard Scientific Procedures for Implementing Ecosystem
Management on Public Lands,”* (multiple-authored), in *“The*

Ecological Basis of Conservation: Heterogeneity, Ecosystems and Biodiversity, CHAPMAN AND HALL, (1996).

Forward, *"BioDiversity and the Law,"* ISLAND PRESS, 1996.

"Science and the Endangered Species Act," NATIONAL RESEARCH COUNCIL, National Academy of Science, 1995, (multiple-authored).

"The Role of Technology in Marine Habitat Restoration and Enhancement," NATIONAL RESEARCH COUNCIL, National Academy of Science 1994 (multiple-authored).

Coursebooks for *Natural Resources Law, Pollution Control, Criminal Law, Comparative Criminal Justice, Wildlife and BioDiversity Law, Coastal and Wetland Law, Clean Water, Comparative Environmental Law, Environmental Ethics, Environmental Policy, Rights of Nature, Environmental Human Rights, Environmental Policy Outside the Box*

Other Articles:

Book Review: *"The Tiger: A True Story of Vengeance and Survival"*, THE ENVIRONMENTAL FORUM Book Review, July/Aug 2019

Book Review: *"Are We Endangered Yet?: Artificial Intelligence and the Human Species"*, THE ENVIRONMENTAL FORUM, March/April 2019

Book Review: *"Losing Earth: The Golden Moment for Climate Change"*, THE ENVIRONMENTAL FORUM, Nov/Dec 2018

Book Review: *"The Wild Trees and The Man Who Planted Trees"*, THE ENVIRONMENTAL FORUM, Jun/July 2018

Book Review: *"A Tale of Two Cities: Water and Grass in the American West"*, THE ENVIRONMENTAL FORUM, Jan/Feb 2018

Essay: *"El Segundo Viaje de Noah"*, REVISTA ARANZADI DE DERECHO AMBIENTAL, SEVILLA, SEPT-DEC 2017

Book Review: *"Resurrection: De-extinction and the Future of Wild Things,"* THE ENVIRONMENTAL FORUM, July/August 2017

Book Review, *"Eruption: The Mt Saint Helens Story"*, THE ENVIRONMENTAL FORUM, MARCH/APRIL 2017

Book Review, "*Rattling the Cage*", THE ENVIRONMENTAL FORUM, January/February 2017

Book Review, "*Astoria*", THE ENVIRONMENTAL FORUM, September/October 2016

Book Review, "*The Beekeeper's Lament*", THE ENVIRONMENTAL FORUM, May/June 2016

Book Review, "*Tom's River*", THE ENVIRONMENTAL FORUM, January/February 2016

Book Review, "*In the Kingdom of Ice.*", THE ENVIRONMENTAL FORUM, September/October 2015.

Book Review, "*American Energy, Imperiled Coast*", THE ENVIRONMENTAL FORUM, May/June 2015.

Book Review, "*Fighting Westway*", THE ENVIRONMENTAL FORUM, January/February 2015.

Book Review, "*The Most Important Fish in the Sea: Menhaden and America*", THE ENVIRONMENTAL FORUM, July/August 2014.

Book Review, "*The Snail Darter & The Dam*", THE ENVIRONMENTAL FORUM, March/April 2014

Book Review, "*The Power of Gold*", THE ENVIRONMENTAL FORUM, November/December 2013

Book Review, "*Drinking Water*", THE ENVIRONMENTAL FORUM, July/August 2013

Book Review, "*Charles Waterton*", THE ENVIRONMENTAL FORUM, March/April 2013

Book Review, "*Tears of the Cheetah*", THE ENVIRONMENTAL FORUM, November/December 2012.

Book Review, "*Conservation in the Anthropocene*", THE ENVIRONMENTAL FORUM, July/August 2012.

Book Review, "*1493*", THE ENVIRONMENTAL FORUM, March/April 2012.

Book Review, "*Ducktown Smoke*," THE ENVIRONMENTAL FORUM, November/December 2011.

Book Review, "*The Quiet World: Saving Alaska's Wilderness Kingdom, 1879-1960*", THE ENVIRONMENTAL FORUM, July/August 2011.

Book Review, "*The Big Burn*," THE ENVIRONMENTAL FORUM, February/March 2011.

Book Review, "*Regulating From Nowhere*," THE ENVIRONMENTAL FORUM, November/December 2010.

"*Who Will Pay To Fix Louisiana?*", THE NATION, July 2010.

Book Review, "*Cleaning Up*," THE ENVIRONMENTAL FORUM, July/August 2010.

"*The Three Katrinas: Hard Cases Make New Law*," NATIONAL WETLANDS NEWSLETTER, July/August 2010

Book Review, "*Nudge*", THE ENVIRONMENTAL FORUM, March/April 2010.

Book Review, "*The Teapot Dome Scandal*," THE ENVIRONMENTAL FORUM, November/December 2009.

"*Nature or Nurture: What's Right and What's Wrong with Adaptive Management*," ENVIRONMENTAL LAW REPORTER, October 2009.

"*The Messenger*", THE ENVIRONMENTAL FORUM, September 2009.

Book Review, "*Roadless Rules*", THE ENVIRONMENTAL FORUM, July/August 2009.

Book Review, "*The Si'lailo Way*," THE ENVIRONMENTAL FORUM, March/April 2009.

Book Review, "*The Bridge At The End Of The World*," THE ENVIRONMENTAL FORUM, November/December 2008

Book Review, "*Mother Earth and Uncle Sam*," THE ENVIRONMENTAL FORUM, July/August 2008.

Book Review, "*Break Through: From the Death of Environmentalism to the politics of Possibility*," ENVIRONMENTAL LAW (Lewis and Clark), Spring 2008.

Book Review, "*Collapse*", THE ENVIRONMENTAL FORUM, January/February 2008.

Essay: “*Written on the Water*”, TULANE ENVIRONMENTAL LAW JOURNAL, Fall, 2007.

“*The Scientists Speak: Gaming the Louisiana Coast*,” NATIONAL WETLANDS NEWSLETTER, Sept.-Oct. 2007.

Book Review, “*The Golden Spruce*”, THE ENVIRONMENTAL FORUM, September/October, 2007.

Book Review, “*The Worst Hard Time*,” THE ENVIRONMENTAL FORUM, May/June, 2007.

“*Beauty and the Beast Within: On the Special Nature of Natural World Law*,” WASHINGTON LAW REVIEW, Summer 2007.

Book Review, “*The Uncontrol of Nature: Michael Grunwald’s The Swamp and Michael Tidwell’s Bayou Farewell*,” THE ENVIRONMENTAL FORUM, January/February 2007.

Book Review, “*Cities in the Wilderness: A New Vision of Land Use in America*,” THE ENVIRONMENTAL FORUM, March/April 2006.

“*Reflecciones Sobre La EIA*,” REVISTA ANDALUZA DE ADMINISTRACION PUBLICA, Spring 2006.

“*You Can’t Have Your Wetlands and Eat’em Too*,” in “*After the Storm Restoring America’s Gulf Coast Wetlands*,” ENVIRONMENTAL LAW REPORTER, Spring 2006.

“*Recovering from Katrina and Rita: Environmental Governance Lessons Learned and Applied*” (co-author), ENVIRONMENTAL LAW INSTITUTE, February 2006.

“*The U.S. House of Representatives’ Task Force on NEPA: The Professors Speak*,” ENVIRONMENTAL LAW REPORTER, December 2006.

“*Thinking About Tomorrow: Cuba’s ‘Alternative Model’ for Sustainable Development*,” TULANE ENVIRONMENTAL LAW JOURNAL, Summer 2003.

“*Damage Control: A Field Guide to Important Euphemisms in Environmental Law*,” TULANE ENVIRONMENTAL LAW JOURNAL, Winter 2001.

Book Review, “*Is that all?: A Review of “The National Environmental Policy Act, An Agenda For The Future*,” by Lynton

K. Caldwell, DUKE ENVIRONMENTAL LAW AND POLICY FORUM, Fall 2000.

"Cuba's New Law of the Environment: An Introduction," TULANE INSTITUTE FOR ENVIRONMENTAL LAW AND POLICY, May 1999.

"Coming to Grips with BioDiversity," TULANE ENVIRONMENTAL LAW JOURNAL, Winter 1994, reprinted in "Biodiversity and the Law," *supra*.

Book Review, *"Breaking the Vicious Circle,"* ENVIRONMENTAL LAW REPORTER, February 1994.

Peer Review, *"Tongass National Forest Land Management Plan,"* U.S. FOREST SERVICE, 1994 (multiple-authored).

"The Tulane Environmental Project, Phase 2: Procurement," TULANE UNIVERSITY, May 1992 (co-authored).

"An Open Letter to EPA Administrator William K. Reilly," NATIONAL WETLANDS NEWSLETTER (July/August 1991).

"The Tulane Environmental Project, Phase 1: Recycling," TULANE UNIVERSITY, April 1991 (co-authored).

"More Net Loss of Wetlands: The Army-EPA Agreement on Mitigation," ENVIRONMENTAL LAW REPORTER, June, 1990.

"Legal Options to Address the Importation of Hazardous and Solid Waste into Louisiana," LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY, 1990 (co-authored).

"To Restore Lake Pontchartrain," GREATER NEW ORLEANS EXPRESSWAY COMMISSION, March 1989 (co-authored).

"Right-to-Know Legislation," La. Legislative Research Project, 1985.

Book Review, *"The Second Battle of New Orleans: A History of the Vieux Carre River Front Expressway Controversy,"* TULANE LAW REVIEW, December 1982.

General Publications:

More than two dozen articles published in, inter alia, The Washington Post, The New York Times, Harvard Magazine, Field and Stream, The Hill (Wash, DC), Environmental Policy Forum, National Wildlife, Amicus Journal, Washington Tribune, The Times Picayune, The Advocate, Louisiana Bar Journal, High Country News, Sierra Magazine, Southern Exposure, Audubon

Magazine, International Wildlife, Outdoor America, Water Spectrum, New Orleans Magazine, Gambit Magazine, Louisiana Life, The Tulanian, National Wetlands Newsletter, Waterkeeper Magazine, Ranger Rick's Nature Magazine.

Amicus Briefs:

Southeast Louisiana Flood Control Authority v Tennessee Pipeline, 2014 (public trust)

National Trust for Historic Preservation v Department of Veterans Affairs, 2010 (urban demolition)

Comer v Murphy Oil, 2010 (pollution damages)

Avenal v Louisiana, 2003 (oyster lease damages)

Shaunessy v PPG Industries, 1991 (marine pollution)

Cheremie v Plaisance, 1991 (barrier island damage, wrongful discharge)

Save Our Community v Reily, 1990 (wetland permitting)

Vieux Carre Property Owners v Brown, 1988 (waterfront permitting)

Honors:

Georgetown University Distinguished Environmental Law Alumnus Award, 2019

Svetlana Kravchenko Award in Environmental Human Rights, University of Oregon, 2018

Louisiana Bar Foundation, Distinguished Professor Award, 2018

Fellow, American College of Environmental Lawyers, 2016

Coastal Stewardship Lifetime Achievement, Coalition to Restore Coastal Louisiana, 2015.

Leadership in Law Award, New Orleans City-Business, 2011

Felix Frankfurter Distinguished Teaching Award, Tulane Law School, 2008-2009.

Scott Welch Environmental Lawyer Award, Louisiana Environmental Action Network, 2007.

American Bar Association, Distinguished Achievement in Environmental Law and Policy, 2006.

Excellence in Teaching Award, Graduate School, Tulane University, 2002.

Marks Research Award, Tulane Law School, 2001, 2002.

Young Leadership Council of New Orleans, Role Model of the Year, 1995.

Felix Frankfurter Distinguished Teaching Award, Tulane Law School, 1987-1988.

New Orleanian of the Year, Gambit Magazine, 1986.

Faculty Award, Black Law Student Association, Tulane Law School, 1986.

C.J. Morrow Research Fellow, Tulane Law School, 1985-86.

Conservationist of the Year, Louisiana, 1985.

Gambit Magazine, New Orleans Press Club Award, 1983.

Governor's Conservation Award, Louisiana, 1982.

National Education Press Award, 1975, 1976.

Professional Associations:

Policy Committee, Defenders of Wildlife, Washington, D.C.
Coalition to Restore Coastal Louisiana (co-founder)
Lake Pontchartrain Basin Foundation (co-founder)
Tulane Public Interest Law Foundation (co-founder)
Tulane Environmental Law Journal (co-founder and advisor)
Tulane Environmental Law Society (faculty advisor)
Tulane Environmental Law Clinic (founder)
Tulane Institute of Environmental Law and Policy (co-founder)
Tulane Institute for Water Law and Policy (co-founder)

Community Involvement:

Pro bono representation of national and local environmental organizations on pollution and natural resource issues.

Reader, Radio for the Blind and Print-Handicapped

Foreign Languages:

French, Spanish